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| 10/626,205      | 07/24/2003  | Puthukode G. Ramachandran | AUS920030501US1     | 9668             |

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| EXAMINER |
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DAO, THUY CHAN

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| ART UNIT | PAPER NUMBER |
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2192

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11/21/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/626,205 | <b>Applicant(s)</b><br>RAMACHANDRAN ET AL. |  |
|                              | <b>Examiner</b><br>Thuy Dao          | <b>Art Unit</b><br>2192                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08/22/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on August 22, 2008 has been entered.

2. Claims 1-5 and 7 have been examined.

### **Response to Amendments**

3. In the instant amendment, claims 1-5 and 7 have been amended.

4. The objection to Figure 7 and the specification is withdrawn in view of Applicant's amendments.

### **Response to Arguments**

5. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections – 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprecher (art of record, US Patent No. 6,948,059) in view of US Patent No. 7,069,541 to Dougherty et al. (art made of record, hereafter "Dougherty").

**Claim 1:**

Sprecher discloses *a method for testing the compatibility of software modules, the method comprising the computer implemented steps of:*

*responsive to receiving a request to install a new software module in a data processing system (e.g., col.2: 3-12; col.5: 36-45),*

*performing an inventory on an existing set of software modules resident in the data processing system (e.g., FIG. 5, block 52 "Review Available Component Table", col.7: 5-19; and details of said table in FIG. 4, col.6: 20-54);*

*referring to a knowledge base of software modules to determine whether the new software module is known to function compatibly with the existing set of software modules (e.g., FIG. 5, block 50 "Read next Required Component", col.7: 5-19; and details of Required Component List in col.5: 52-67);*

*responsive to a determination that the new software module is not known to function compatibly with each software module in the existing set of software modules (e.g., FIG. 5, block 66 "Hit? NO", col.7: 20-41).*

Sprecher does not explicitly disclose other limitations . However, in an analogous art, Dougherty further discloses:

*responsive to a determination to test the new software module in the test data processing system in combination with the existing set of software modules (e.g., FIG. 1, col.7: 52 – col.8: 28),*

*identifying an operating environment of the data processing system (e.g., col.4: 47 – col.5: 11; col.9: 47 – col.10: 10);*

*installing the new software module, the identified environment, and the existing set of software modules on the test data processing system (e.g., col.8: 9-47; col.9: 30-60);*

*testing the new software module in combination with the existing set of software modules on the test data processing system (e.g., col.6: 12-46; col.4: 47 – col.5: 11);*

*responsive to a test result indicating that the new software module is compatible with the existing set of software modules (e.g., col.4: 6-56; col.9: 47 – col.10: 3),*

*adding a new combination indicating the compatibility to the knowledge base; and installing the new software module in the data processing system (e.g., col.7: 52 – col.8: 28; col.9: 47 – col.10: 10).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dougherty's teaching into Sprecher's teaching. One would have been motivated to do so to optimize the performance of the application and to ensure that the application will be durable when it is moved to the operation environment as suggested by Dougherty (e.g., col.9: 47 – col.10: 3).

#### **Claim 2:**

The rejection of claim 1 is incorporated. Dougherty discloses *determining whether to test the new software module in a test data processing system in combination with the existing set of software modules comprises: prompting a user for a first selected input; responsive to a first selected user input (e.g., col.4: 47 – col.5: 11; col.8: 9-47).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dougherty's teaching into Sprecher's teaching. One would have been motivated to do so as set forth above.

#### **Claim 3:**

The rejection of claim 1 is incorporated. Dougherty discloses *receiving a first selected input from the user that indicates installing the new software module in the data processing system (e.g., col.4: 6-56; col.6: 12-46).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dougherty's teaching into Sprecher's teaching. One would have been motivated to do so as set forth above.

**Claim 4:**

The rejection of claim 1 is incorporated. Sprecher also discloses:

*responsive to a determination that the new software module is not compatible with each software module in the existing set of software modules (e.g., FIG. 6, col.8: 45-64),*

*adding a new combination indicating the incompatibility to the knowledge base (e.g., col.5: 10-52);*

*notifying the user that the new software module is not compatible with the existing set of software modules (e.g., col.8: 61 – col.9: 15); and*

*prompting the user for an input (e.g., col.6: 20-54).*

**Claim 5:**

The rejection of claim 1 is incorporated. Sprecher also discloses:

*responsive to a determination that the new software module is not compatible with each module in the existing set of software modules (e.g., col.2: 14-43; col.6: 1-19),*

*adding a new combination indicating the incompatibility to the knowledge base and searching the knowledge base to find a closest match, wherein at least one of the existing modules is removed or replaced with a different version (e.g., col.3: 38 – col.4: 12; col.5: 46-67);*

*prompting for the user as to availability of the closest match combination; and responsive to a user input, installing the new software module and changing the existing modules as needed to obtain a compatible combination (e.g., col.2: 32 – col.3: 24; col.6: 20-43).*

**Claim 7:**

The rejection of claim 4 is incorporated. Sprecher also discloses *the input indicates one of installing the new software module in the data processing system and not installing the new software module in the data processing system* (e.g., col.2: 3-43; col.3: 38 – col.4: 12).

### **Conclusion**

8. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192